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UNCLAS SECTION 01 OF 02 GEORGETOWN 00148

SIPDIS

G/TIP  
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WHA/PPC - SCOTT MILLER

SENSITIVE

SIPDIS

E.O. 12958: N/A  
TAGS: [PHUM](#) [SMIG](#) [ASEC](#) [PREF](#) [ELAB](#) [KCRM](#) [KWMN](#) [KFRD](#) [GY](#)  
SUBJECT: EIGHTH ANNUAL TRAFFICKING IN PERSONS  
ASSESSMENT - GUYANA

REF: STATE 2731

¶1. (SBU) The following is Embassy Georgetown's submission of information requested in reftel for the 2008 Annual Trafficking in Persons Report. After a full review of the available information, Post has found that Guyana is not/not a country of origin, transit, or destination for a "significant" number of victims of severe forms of trafficking, as spelled out in reftel and in the TVPA of 2000. Post accordingly responds in this cable only to the relevant questions in reftel, as identified in reftel paragraph #8.

¶2. (SBU) Begin text:

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Overview of country's activities to eliminate trafficking in persons  
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¶A. All available information shows that Guyana is not/not a country with a significant number of victims of severe forms of trafficking. Sound statistical data is virtually nonexistent, other than cases specifically reported, either through a police complaint or self-identification to human service providers. No surveys that are thorough, unbiased, and based on current information are known to exist. The local NGO Help and Shelter, which principally assists victims of domestic and sexual abuse but also provides assistance to trafficking victims, reported that for all of 2007, only two individuals who approached the shelter were potential victims of trafficking.

Sources of information used to compile this report include the Guyanese media, the Ministry of Labor, Human Services and Social Security (MOLHSSS), the Director of Public Prosecutions (DPP), the Guyana Police Force, the victim's assistance NGO Help and Shelter, the US-based NGO Catholic Relief Services, the Guyana Human Rights Association (GHRA), Red Thread, IOM, and members of Parliament representing both the government and the opposition.

¶B. After visiting more than fifty communities in all ten administrative regions of the country, and conducting awareness-raising programs that have reached more than 5,000 Guyanese citizens, the Minister for Human Services could find no discernable degree of TIP in Guyana. Almost all exploitation observed or described both to the Ministry and to other embassy

sources involves the voluntary performance of labor.

1C. The Ministry of Labor, Human Services, and Social Security (MOLHSSS) is the designated lead agency for the GOG's anti-TIP efforts. A Counter-TIP Unit within the MOLHSSS coordinates the GOG's efforts under the supervision of Minister Priya Manickchand. In addition, the Guyana Police Force (GPF), the Ministry of Amerindian Affairs, Ministry of Home Affairs, the Forestry Commission, and the Guyana Geology and Mines Commission (GGMC) actively participate in GOG's anti-TIP efforts. Together with local non-government organizations, these government ministries form a coalition that meets to address TIP issues.

1D. Government officials acknowledge that TIP cases do occur in Guyana, and in addition to awareness-raising campaigns the government continues efforts to prosecute traffickers and assist victims. Guyana is a country the size of Idaho, mostly covered in dense forest, and hosts an approximate population of a mere 750,000 - 90 percent of which lives along the coast. The government's recently released annual budget was its largest ever - a paltry \$600 million. Combined with the absence of a serious TIP problem, the government's attention and modest resources will by necessity be directed towards a host of other security-related challenges.

1E. The government has been fully transparent both with the embassy and with other external sources in providing data and discussing TIP policy, and is fully willing to address TIP cases that come to its attention. In addition, the ministry periodically releases activity reports for its Counter Trafficking in Persons Unit, which include dates, locations, and number of participants for its public awareness and training efforts. However, evaluating progress in attacking a problem that does not meaningfully exist is, of course, impossible.

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Investigation and prosecution of traffickers  
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1F. The Combating of Trafficking in Persons Act became law in 2005. In addition, perpetrators who kidnap or lure victims for purposes of sexual exploitation may be charged under Guyanese Criminal Law Chapter 8:01, Section 87 (forced detention-sex) and sections 72 and 73 (procurement). There is no new legislation to report this year.

1G. Traffickers convicted on summary judgment (lesser offenses) are subject to prison terms of 3-5 years. Traffickers convicted on indictment (more serious offenses) are subject to prison terms of 5 years to life imprisonment. All convicted traffickers are subject to confiscation of property used or gained during the course of the crime and could be ordered to pay restitution to victims. In addition, convicted traffickers face:

- two additional years imprisonment if the person used, threatened to use, or caused another to use or threaten to use a dangerous weapon;
- five additional years imprisonment if the victims suffers a serious bodily injury or if the crime involves sexual assault;
- five additional years imprisonment if the trafficking victim was exposed to life threatening illness or was forced into any addiction to drugs and/or medication;
- ten additional years imprisonment if the victim suffers a permanent or life-threatening injury;
- three additional years imprisonment if the crime was organized by an organized criminal contingent;
- four additional years imprisonment if the crime resulted from abuse of power or a position of authority.

1H. Punishment of Labor Trafficking Offenses carries the same penalties as trafficking for sexual exploitation.

1I. Guyanese criminal law calls for life imprisonment for rape, five years for sexual assault, and ten years for forced detention for purposes of sexual exploitation. However, judges have discretion in sentencing with 5 to 10 years imprisonment being the trend. This

compares to a possible sentence of 5 years to life under the TIP Act.

¶J. Prostitution, including the activities of the prostitute and the brothel owner/operator, clients, and pimps, are illegal in Guyana, but these laws are rarely enforced. The National Assembly passed the Age of Consent Bill in 2005, raising the age of consent from thirteen to sixteen years of age.

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Protection and assistance to victims  
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¶K. The government's 2008 national budget includes GY\$5 million (US\$25,000) for the Help & Shelter's victim assistance shelter, which serves trafficking victims. Only two such victims came to Help and Shelter in 2007.

¶L. The government does encourage victims to assist in the investigation and prosecution of trafficking cases, but victims often refuse to testify, presumably for fear of eventual reprisal. The GOG does not have a victim restitution program, and, while victims have the legal right to file a civil suit against a perpetrator, this has not been tested. Most cases take so long to prosecute that they die out before a judgment is rendered. There are no known restrictions on material witnesses' freedom of movement.

End text.

¶3. (SBU) Embassy Georgetown's point of contact is Rolf Olson, Political/Economic Officer, FS-03, telephone (592)225-4900, ext. 4214, IVG 747-4214 , fax (592) 227-0240. This report was drafted in 6 hours and related investigations and meetings involved 20 hours.

WILLIAMS